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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,503	02/20/2004	Kenneth M. Kane	1700-005P/FLS	7582
22831	7590	07/22/2005	EXAMINER	
SCHWEITZER CORNMAN GROSS & BONDELL LLP 292 MADISON AVENUE - 19th FLOOR NEW YORK, NY 10017			DUNWIDDIE, MEGHAN K	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,503

Applicant(s)

KANE ET AL.

Examiner

Meghan K. Dunwiddie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the application filed on February 20, 2004 by **Kane et al.**

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by **Brockmann et al.** (US 2002/0060911).

3. In reference to Claim 1, **Brockmann et al.** shows a specialized lighting fixture [Figure 1: (1)] of the type comprising:

- A lamp housing [Figure 1: (25)] enclosing a source of illumination [Figure 2: (20)] and a plurality of framing shutters [Figure 7: (30-33)] for shaping and confining a light beam [See page 3 paragraph [0049] lines 1-6] emitted by said fixture [Figure 1: (1)],
- Wherein said framing shutters [Figure 7: (30-33)] are mounted in said housing [Figure 1: (1)] for radial and/or tilting adjustment [See page 1 paragraph [0012] lines 1-9] with respect to said housing [Figure 1: (25)] and have portions extending outward [Figure 7: (30 a, b-33 a, b)] from said housing [Figure 1: (25)],

- Said housing [Figure 1: (25)] includes means for frictionally engaging said framing shutters [Figure 7: (30-33)] whereby said shutters [Figure 7: (30-33)] tend to remain in adjusted positions in which they are set by an operator,
 - And which further includes first and second locking plates [Figure 6: (9-16)] generally surrounding said housing [Figure 1: (25)] and positioned respectively on opposite sides of the outwardly extending portions [Figure 7: (30 a, b-33 a, b)] of said framing shutters [Figure 7: (30-33)] and arranged to bear against said outwardly extending portions [Figure 7: (30 a, b-33 a, b)],
 - And releasable locking elements [Figure 6: (9-16)] engaging said locking plates [Figure 6: (9-16)] for causing said locking plates [Figure 6: (9-16)] to apply clamping pressure to said outwardly extending portions [Figure 7: (30 a, b-33 a, b)] and thereby locking said framing shutters [Figure 7: (30-33)] in their adjusted positions with respect to said housing [Figure 1: (25)].
4. In reference to Claim 2, **Brockmann et al.** shows:
- Said releasable locking elements [Figure 6: (9-16)] comprise at least one locking element [Figure 6: (9-16)] engaging said locking plates [Figure 6: (9-16)] in a region between each adjacent pair of framing shutters [Figure 7: (30-33)].
5. In reference to Claim 3, **Brockmann et al.** shows:
- Said locking elements [Figure 6: (9-16)] comprising locking screws [Figure 6: (46)] engaging said locking plates [Figure 6: (9-16)].

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6. In reference to Claim 4, **Brockmann et al.** shows:
 - Said locking plates [Figure 6: (9-16)] comprise elements of closed configuration having at least portions thereof in close contact [See Figure 6] with said housing [Figure 1: (24)] to position said plates [Figure 6: (9-16)] with respect to said housing [Figure 1: (24)].
7. In reference to Claim 5, **Brockmann et al.** shows:
 - Said housing [Figure 1: (24)] is of generally circular cross sectional configuration [See Figure 1],
 - And said locking plates [Figure 6: (9-16)] comprise generally circular, ring-like members [Figure 4: (7-18)] having a close fitting relationship [See Figure 6] with said housing [Figure 1: (24)].
8. In reference to Claim 6, **Brockmann et al.** shows:
 - Said framing shutters [Figure 7: (30-33)] comprise thin sheet-like elements [Figure 6: (9-16)] including integral portions thereof projecting generally radially [See Figure 4] from said housing [Figure 1: (24)] and forming said outwardly extending portions [Figure 7: (30 a, b-33 a, b)].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571)


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272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKD


Stephen Husar
Primary Examiner